

the known art combines a flexible thin-walled tube with a collar-shaped outwardly extending open end that is stretched radially and a large diameter to permit freedom of movement of the male during coitus. Furthermore, none of the known art combines these structural elements with an inner ring.

The unexpected result of the applicant's claimed structure is that the radially stretched collar-shaped portion shields a significantly greater area about the base of the penis or about the vulva than traditional condoms. This structure which provides the greater shielding of these areas is more adequate for preventing a transfer body fluids that can potentially contain infectious matter. The inner ring structure provides the additional unexpected results of being both a device that assists in the insertion of the condom-like tube into the vagina and a retainer for the device in the vagina. The loose fitting structure of the tube of the invention for the male permits a greater sensitivity not obtainable in a standard condom. The most surprising result of the applicant's invention as claimed by the currently pending claims, is that the structure provides a practical condom for selection, use, and wear by a female.

The following is a detailed discussion of each document of art known by the applicant and believed to be relevant to the Examiner's consideration of the applicant's claims. This discussion is intended to comply with the requirements of M.P.E.P. 708.02 VIII and is intended to supplement the description of the art and distinguishable subject matter already presented in the applicant's two Information Disclosure Statements.

An article, "Outline For Successful Prophylactic Program" (Waterbury, CT: The Heminway Press, 1934), The Gee Bee Company, 7-16, discloses a prophylactic device entitled, "The Gee Bee." This device, as illustrated in the figures on pages 13 through 15, is a loose fitting tubular prophylactic having a grooved outer ring. The grooved outer ring does not form a collar-shaped, outwardly extending portion at the opening of the prophylactic. Consequently, no provision is made to inhibit or prevent the transfer of body fluids, that may contain infectious matter, between the partners. This is because the outer ring, by not radially stretching the tube into a collar-shaped portion fails to provide adequate protection against the transfer of body fluids. This disclosure does not disclose nor make obvious to one of ordinary skill in the art a "female" embodiment having an inner ring to insert and secure the device in the vagina.

U.S. Patent Number 899,251 to Graham discloses an animal breeder's bag. The bag is a condom-like device for livestock that can be used to collect semen. The bag contains a fixed inner band 1 that is positioned at about the middle of the length of the device. This position for the attachment of the band 1 provides for a tube 4 and a bag-like extension 3. The purpose of the band 1 and cross strips 9 and 10 is to collect semen in the pocket 11. The rubber frame 6 may be made in various shapes, but is not disclosed as forming a collar-shaped, outwardly extending portion at the opening of the prophylatic. The rubber frame 6 does not form a collar-shaped, outwardly extending portion at the opening of the prophylatic. As with the device discussed above, no provision is made to inhibit or prevent the transfer of body fluids, that may contain infectious matter, between the partners. This is because the outer ring does not radially stretch the tube into a collar-shaped portion and, thereby, fails to provide adequate protection against the transfer of body fluids. This patent does not disclose nor make obvious to one of ordinary skill in the art an embodiment wherein an inner ring is suitable for use to insert the device in the vagina and hold the end of the device about the cervix in a manner similar to a diaphragm.

U.S. Patent Number 4,004,591 to Freimark discloses a birth control device. This birth control device is a female condom made of a strong rubber, plastic, or other similar material. This condom has a rigid, ring-like rim that is bent or scalloped. This rim can be a wire. The rim is not adapted to radially extend the open end of this device because this device is a hard molded material and not flexible. The cross-sectional dimensions of this condom are disclosed as being sufficiently large to easily accommodate the average male width with some additional clearance space. The primary function of this device is to prevent unwanted pregnancy. This device is useful in preventing the spread of venereal disease. This device provides no means to prevent an exchange between partners of secreted fluids that may contain venereal disease. Additionally, this birth control device is intended for use by females, but includes no means to secure or maintain the device in the vagina.

U.S. Patent Number 4,630,602 to Strickman et al. discloses a disposable contraceptive cervical barrier. The cervical barrier of this invention is similar to standard diaphragms in size and design. This cervical barrier contains various "cavities for cells" that can hold spermicidal lubricants. These spermicidal lubricants can also be placed in numerous grooves within the body of the cervical barrier. Urethane polymers are

used to make the device. The cervical barrier of this invention, unlike a condom, has no tubular side walls to prevent the exchange between partners of secretions that can contain a venereal disease.

U.S. Patent Number 3,536,066 to Ludwig discloses a human birth control appliance. The appliance of this patent protects both partners from any dermic contact. This device is large and awkward to use.

U.S. Design Patent Number 254,808 to Meldahl discloses a design for a male contraceptive. This contraceptive appears to be larger in diameter than the average condom, but this contraceptive has no means at its open end to aid in the prevention of the spread of venereal disease.

The following documents are tangentially related to condoms or materials associated with condoms such as spemicides. The following documents are, therefore, believed to be relevant to the background of the invention.

European patent application number 0 135 283 discloses a disposable spermicide-releasing intravaginal contraceptive barrier. The barrier has a cup and ring-like structure similar to a diaphragm. The disclosure includes a description of nonoxynol-9 and carriers such as polyethylene glycol.

Hessel
Ser. No. 058,766

Rodgers-Neame et al., "In Vitro and In Vivo
Evaluation of Latex Condoms Using a Two-Phase Nonoxynol
9 System," Fertility and Sterility 43 (June 1985):
931-6, discloses the use of nonoxynol-9 with standard
condoms.

European patent application number 0 027 731
discloses spermicidally active vaginal suppositories.
The preferred spermicide is nonoxynol-9.

For the reasons discussed above, the applicant
respectfully submits that his application is in
condition for allowance. Special status and favorable
consideration of this application in light of the
amendments and remarks is respectfully requested.

A check for \$72.00 to cover the official fee for
filing the petition is attached to the petition. If
there are any additional fees required, please charge
our Deposit Account Number 06-1110.

Respectfully submitted,



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